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FEB 13 2004

U. S. DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNIVERSAL UNDERWRITERS
INSURANCE COMPANY, a Kansas corporation,

Plaintiff,

vs.

Case No. 4:02CV01647CDP

LOU FUSZ AUTOMOTIVE NETWORK, INC.,
a Missouri corporation, WEST BROTHERS
CHRYSLER, INC., a Missouri corporation,
ONSITE COMPUTER CONSULTING SERVICES,
INC., a Missouri corporation, and STEPHENSON
ELECTRIC CO., a Missouri corporation,

Defendants.

NOTICE OF APPEAL


Notice is hereby given that Universal Underwriters Insurance Company, plaintiff in the above named case hereby appeals to the United States Court of Appeals for the Eighth Circuit from the final judgment entered in this action on the 21st day of January 2004 denying Plaintiff's Motion for Summary Judgment; granting Defendants Lou Fusz Automotive Network, Inc.'s, West Brothers Chrysler, Inc.'s, Onsite Computer Consulting Services, Inc.'s ("Onsite") and Stephenson Electric Co.'s ("Stephenson") Cross-Motions for Summary Judgment; and granting Defendants Onsite's and Stephenson's Motion to Dismiss Plaintiff's Second Claim for Relief.

52004-4253

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By:


Roger K. Heidenreich, #7352
One Metropolitan Square, Suite 3000
St. Louis, Missouri 63102
(314) 241-1800 Telephone
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Attorney for Plaintiff
Universal Underwriters Insurance Company

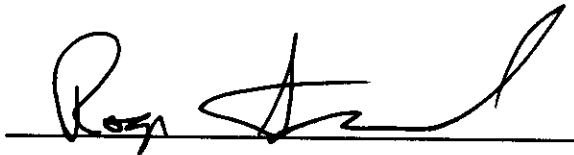
CERTIFICATE OF SERVICE

I hereby certify, pursuant to Eighth Circuit Rule of Appellate Procedure 25A(a), that on the 13th day of February, 2004, I, Roger K. Heidenreich, attorney for Plaintiff/Appellant Universal Underwriters Insurance Company, signed the original of the foregoing, and further certify, pursuant to Local Rule 2.12 of the United States District Court for the Eastern District of Missouri, a copy of the foregoing was served by means of the Notice of Electronic Filing upon the following attorneys who have consented to receive service by such means via their registration for electronic case filing and via U.S. mail, postage prepaid, addressed to the following:

Christopher L. Kanzler (ckanzler@dunnandmiller.com)
13321 North Outer Forty Road, Suite 100
Chesterfield, MO 63107

Steven H. Schwartz (sschwartz@bjpc.com)
John D. Briggs (jbriggs@bjpc.com)
1010 Market Street, 20th Floor
St. Louis, MO 63101

Jeffrey H. Schultz
Steven A. Katz (skatz@koreintillery.com)
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#10 Executive Woods Court
Belleville, IL 62226

A handwritten signature in black ink, appearing to read "Roger K. Heidenreich", is written over a horizontal line.

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

APPELLANT'S FORM A

Appeal Docket No. _____

Appeal Information Form

To be filed with the Notice of Appeal

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

UNIVERSAL UNDERWRITERS
INSURANCE COMPANY,

Roger K. Heidenreich
Sonnenschein Nath & Rosenthal LLP
One Metropolitan Square, Suite 3000
St. Louis, MO 63102
(314) 241-1800

Appellant/~~Appellee~~

vs.

LOU FUSZ AUTOMOTIVE, INC.,
WEST BROTHERS CHRYSLER, INC.,
ONSITE COMPUTER CONSULTING
SERVICE, INC., and
STEPHENSON ELECTRIC CO.,

COUNSEL: NAME, ADDRESS, AND TELEPHONE
NUMBER

See Attachment A

~~Appellant~~/Appellees

LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). (X) Yes. () No.

1. Whether the District Court erred in finding that the insurance policies issued by Appellant to Appellees Lou Fusz Automotive, Inc. ("Lou Fusz") and West Brothers Chrysler, Inc. ("West Brothers") require Appellant to defend Lou Fusz and West Brothers in the actions brought against them under the Telephone Consumer Protection Act, 47 U.S.C. §227, by Appellees Onsite Computer Consulting Services, Inc. ("Onsite") and Stephenson Electric Co. ("Stephenson")?
2. Whether the District Court erred in dismissing Appellant's second claim for relief without prejudice?

FOR LEAD COUNSEL ONLY

I X have (X have not) discussed settlement possibilities on appeal with my client.

This appeal X is (X is not) amenable to settlement.

Submitted by:


Signature of Lead Counsel

2-13-04
Date

Roger K. Heidenreich

INSTRUCTIONS:

Filing of appellant's Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Court Clerk's Office and may also be obtained electronically at :

www.ca8.uscourts.gov

Copy 1 - Send to Appellee (together with an uncompleted Form B)

Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)

Copy 4 - Retain

ATTACHMENT A

Lou Fusz Automotive, Inc.

Christopher L. Kanzler
Dunn & Miller, PC
13321 North Outer Forty Road
Suite 100
Chesterfield, MO 63107
(314) 786-1200

West Brothers Chrysler, Inc.

Steven H. Schwartz
John D. Briggs
Brown & James, P.C.
1010 Market Street, 20th Floor
St. Louis, MO 63101
(314) 421-3400

Onsite Computer Consulting Services, Inc.
and Stephenson Electric Co.

Steven A. Katz
Douglas R. Sprong
Korein Tillery
#10 Executive Woods Court
Belleville, IL 62226
(618) 277-1180


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